



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,503	03/28/2001	James R. Trethewey	42390P10485	5216

8791 7590 10/21/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
----------	--------------

2137

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/821,503	Applicant(s) TRETHEWEY ET AL.	
	Examiner Zachary A Davis	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 8, 10, and 13 are objected to because of the following informalities:

Claim 8 recites the limitation "routing said requests to one of servers in an array" in line 4 of the claim. It appears that this is intended to read "routing said requests to one of an array of servers" or similar. Claim 10 recites the limitation "said servers are coupled to a load balancer are used to host a Web site" in lines 1-2 of the claim is generally unclear, which renders the claim indefinite. It appears that this is intended to read "said servers are coupled to a load balancer and are used to host a Web site". Claim 13 recites the limitation "a load balancer coupled said servers" in lines 2-3 of the claim. It appears that this is intended to read "a load balancer coupled to said servers" or similar. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8-9, 15-19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Subramaniam et al, US Patent 6081900.

In reference to Claim 8, Subramaniam discloses a method including receiving requests from a client browser via a network, routing the request to a server, and if the request is received to load a data object for a target, generating a new URL and returning a redirect message with the new URL to the client browser (column 9, lines 18-31).

In reference to Claim 9, Subramaniam further discloses the client browser receiving the redirect message and sending a new request using the new URL (column 9, lines 25-31).

In reference to Claim 15, Subramaniam discloses software that receives a request from a client browser to load a data object for a target and determines if the target is owned by a different owner, and if so, generates a new URL and returns a redirect message with the new URL to the client browser (column 9, lines 18-31).

In reference to Claim 16, Subramaniam further discloses the client browser receiving the redirect message and sending a new request using the new URL (column 9, lines 25-31).

In reference to Claim 17, Subramaniam further discloses that the redirect message instructs the client browser to switch from HTTP to HTTPS (column 9, lines 21-25).

In reference to Claim 18, Subramaniam discloses software that accesses a current URL, builds a new URL by concatenating "https://" with the current URL, and dispatches the new URL to invoke HTTPS communication between a web browser and a web server (column 9, lines 18-31).

In reference to Claim 19, Subramaniam further discloses embedding in an HTML document (column 9, lines 32-43, where URL links in web pages are changed).

In reference to Claim 21, Subramaniam further discloses that HTTPS is automatically invoked when entering a secure area (column 7, lines 1-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 10-13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramaniam et al, US Patent 6081900, in view of Brendel, US Patent 9772333.

In reference to Claim 1, Subramaniam discloses a system including a border server to receive requests from a client browser via a network (column 5, lines 26-27; Figure 1, Border Server 106) and a plurality of servers coupled to the border server

Art Unit: 2137

(column 5, lines 25-26 where there can be multiple target servers), where the servers generate a new URL and return a redirect message with the new URL in response to a request from the browser and the browser uses the new URL in a new request (column 9, lines 18-31). However, Subramaniam does not explicitly disclose that the border server is a load balancer.

Brendel discloses that a load balancer can be used with a plurality of servers (column 2, lines 18-26), and that the load balancer can be used in conjunction with SSL (column 5, lines 13-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Subramaniam by including a load balancer, in order to better handle increasing traffic at a particular web site (see Brendel, column 2, lines 9-17).

In reference to Claim 2, Subramaniam further discloses generating the new URL and returning the redirect message (column 9, lines 18-31).

In reference to Claim 3, Subramaniam further discloses that the servers include a secured area and an unsecured area (column 10, lines 10-12).

In reference to Claims 4 and 5, Subramaniam further discloses that HTTPS is automatically invoked by concatenating "https://" with the domain name of the website (column 9, lines 21-25).

In reference to Claim 6, Subramaniam further discloses that the border server can perform SSL encryption and decryption (column 11, lines 40-42).

In reference to Claim 7, Subramaniam further discloses that communication between the border server and the plurality of servers is transmitted as cleartext (column 9, lines 32-40, where non-secure data is sent from the target server to the border server).

In reference to Claim 10, Subramaniam discloses everything as applied to Claim 8 above. Subramaniam further discloses that the servers include a secured area and an unsecured area (column 10, lines 10-12). Subramaniam also discloses a border server (column 5, lines 26-27; Figure 1, Border Server 106); however, Subramaniam does not explicitly disclose that the servers are coupled to a load balancer.

Brendel discloses that a load balancer can be used with a plurality of servers (column 2, lines 18-26), and that the load balancer can be used in conjunction with SSL (column 5, lines 13-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Subramaniam by including a load balancer, in order to better handle increasing traffic at a particular web site (see Brendel, column 2, lines 9-17).

In reference to Claims 11 and 12, Subramaniam further discloses that HTTPS is automatically invoked by concatenating "https://" with the domain name of the website (column 9, lines 21-25).

In reference to Claim 13, Subramaniam further discloses that the border server can perform SSL encryption and decryption (column 11, lines 40-42).

In reference to Claim 14, Subramaniam further discloses that communication between the border server and the plurality of servers is transmitted as cleartext (column 9, lines 32-40, where non-secure data is sent from the target server to the border server). Although Subramaniam does not explicitly disclose that the servers are coupled to a load balancer, Brendel discloses that a load balancer can be used with a plurality of servers (column 2, lines 18-26), and that the load balancer can be used in conjunction with SSL (column 5, lines 13-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Subramaniam by including a load balancer, in order to better handle increasing traffic at a particular web site (see Brendel, column 2, lines 9-17).

In reference to Claim 20, Subramaniam discloses everything as applied above to Claim 19. Subramaniam further discloses a border server to receive requests sent by a web page and distribute the request to one of a plurality of servers (column 5, lines 26-27; Figure 1, Border Server 106); however, Subramaniam does not explicitly disclose that the servers are coupled to a load balancer. Brendel discloses that a load balancer can be used with a plurality of servers (column 2, lines 18-26), and that the load balancer can be used in conjunction with SSL (column 5, lines 13-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Subramaniam by including a load balancer, in order to better handle increasing traffic at a particular web site (see Brendel, column 2, lines 9-17).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Birrell et al, US Patent 5805803, discloses a system for redirecting network traffic when communicating with a proxy using HTTPS.
 - b. Kirsch, US Patent 5963915, discloses a system and method that redirect network traffic from HTTP to HTTPS using code embedded in documents.
 - c. Still et al, US Patent 6718390, discloses a method of redirecting network traffic when a client requires the use of SSL.
 - d. Devarakonda et al, US Patent 6424992, discloses a load balancer that maintains connections while an SSL session is active.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


zad


Andrew Caldwell